IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.26958 of 2008
BINOD ROY
Versus
STATE OF BIHAR

2/ 09.09.2008 Heard learned Counsel for the petitioner and learned Counsel appearing on behalf of the State.

The petitioner is an accused of a case registered under Section 302 of the Indian Penal Code.

Allegation is that the petitioner has given a single blow upon the head of the informant's husband. The cause of assault was a dispute regarding plucking of a flower by an eight year old boy. After receiving injury the informant's husband was taken to Purnia by the petitioner and in course of treatment he died.

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Submission is that there was no intention at all to kill the deceased. It is the petitioner who has brought the injured for treatment to Purnia so the case at best comes under Section 304 of the Indian Penal Code.

Considering the facts and circumstances of the case, the petitioner Binod Roy is ordered to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Supaul in connection with Balua Bazar (Lalitnagar O.P.) P.S. Case No. 32/2007.

kksinha/ **(Shyam Kishore Sharma, J.)**